

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OLYMPIA LEVINSON STIEGELE, derivatively
on behalf of Nominal Defendant Viisage
Technology, Inc.,

Plaintiff,

v.

BERNARD C. BAILEY, PAUL T. PRINCIPATO,
PETER NESSEN, THOMAS J. REILLY, DENIS
K. BERUBE, BUDDY G. BECK, CHARLES E.
LEVINE, WILLIAM K. AULET, MARCEL YON
and HARRIET MOUCHLEY-WEISS,

Defendants,

v.

VIISAGE TECHNOLOGY, INC.,

Nominal Defendant.

Case No. 05-10677 (MLW)

**DEFENDANTS' PARTIALLY ASSENTED-TO MOTION FOR CONTINUANCE
AND TO FILE OVER LENGTH MEMORANDUM IN SUPPORT OF
THEIR MOTION TO DISMISS AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b) and Local Rule 7.1(B)(4), defendants Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Riley, Dennis K. Berube, Buddy G. Beck, Charles E. Levine, William K. Aulet, and Harriet Mouchley-Weiss¹ move for a two business day extension of time to file their response to plaintiffs' Amended Complaint and for leave to file an over length memorandum of 30-40 pages in support of their motion to dismiss. In support of their motion, defendants state as follows:

¹ "Defendants" as used herein does not include defendant Marcel Yon, who, it is believed, is no longer in this country and has not yet been served with the Amended Complaint.

1. Plaintiff commenced this derivative action on April 5, 2005.
2. Defendants moved to dismiss plaintiff's Complaint. Briefing on defendants' motion was complete on April 26, 2006.
3. While defendants' motion to dismiss was pending, plaintiff, on July 27, 2006, filed an Amended Complaint.
4. Under a briefing schedule approved by the Court, defendant's response to the Amended Complaint otherwise would be due on October 26, 2006.
5. Defendants' counsel has professional obligations out of town the days leading up to October 26 and for this reason requests the additional time.
6. The requested enlargement will not affect any other current deadlines set by the Court in this case.
7. Plaintiff has assented to an enlargement of time to and including Monday, October 30, 2006.
8. In addition, defendants move to file an over length memorandum of 30-40 pages in support of their motion to dismiss.
9. In support of this request for relief, defendants state that the memorandum will be filed on behalf of eight defendants, the motion will deal with the claims brought in plaintiff's 82-page Amended Complaint which includes eight separate causes of action and, if granted, will dispose of all of the claims in this case. The memorandum's discussion of the issues and supporting case law aid the Court in deciding the motion.

WHEREFORE, defendants respectfully request: (1) an enlargement of time to and including October 30, 2006 to file their response to plaintiff's Amended Complaint; and (2) leave to file an over length memorandum of between 30-40 pages in support of their motion to dismiss.

Assented-to (with respect to request for continuance only):

OLYMPIA LEVINSON STIEGELE,

By her Attorneys

/s/ William B. Federman

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Dated: October 24, 2006

BERNARD C. BAILEY, PAUL T.
PRINCIPATO, PETER NESSEN, THOMAS J.
REILLY, DENIS K. BERUBE, BUDDY G.
BECK, CHARLES E. LEVINE, WILLIAM K.
AULET, HARRIET MOUCHLEY-WEISS,
AND VIISAGE TECHNOLOGY, INC.

By their attorneys,

/s/ John R. Baraniak, Jr.

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